REEVALUATION STATEMENT
Route 17 Highway Safety Improvements for
Upgrade to Interstate 86: Exit 130A to 131
Towns of Monroe and Woodbury, Villages of Harriman and Woodbury, Orange County
PIN 8006.84

November 1, 2016
Since the environmental determinations were made and Design Approval for the above referenced project was granted, more than three years have passed since the NEPA determination. In addition, the Northern Long Eared Bar (NLEB) was listed by the United States Fish and Wildlife Service (USFWS) as a Threatened Species. This reevaluation statement examined these changes in the environmental regulations and their potential impact on this project.

This reevaluation has been done in close coordination between NYSDOT and FHWA and in accordance with FHWA 23 CFR 771.129 Reevaluation, SEQ 17 NYCRR Part 15 Regulations, and New York State Department of Transportation (NYSDOT) Project Development Manual (PDM), Appendix 11. The reevaluation included an amended Biological Evaluation that concluded that there is a "May Affect, but is Not Likely to Adversely Affect" determination on the NLEB. Based on this reevaluation, it is concluded that an Route 17 Highway Safety Improvements for Upgrade to Interstate 86: Exit 130A to 131 would not be substantially different from the Preferred Alternative—"Nininger Extension Modified Alternative" in the December 2009 Final Design Report. The environmental analysis in the Final Design Report is still valid, up-to-date and complete. Therefore, the December 2009 Final Design Report is still valid.

Design Approval Date – March 2010

Date

__________________________
, Division Administrator
Federal Highway Administration

Date

__________________________
Todd Westhuis, P.E., Regional Director, Region 8
New York State Department of Transportation
New York State Department of Transportation

ENVIRONMENTAL REEVALUATION CHECKLIST

Date: November 1, 2016
Project Name: Route 17 Highway Safety Improvements for Upgrade to Interstate 86: Exit 130A to 131
Project Number (State/Federal): 8006.84
Bridge Identification Number(s): 1077100 & 1003340
Document Type & Approval Date: Final Design Report, CE w/documentation - and SEQRA Non Type II, March 10, 2010
Reevaluation Number: 1
Date of Last Reevaluation: NA

The purpose of the reevaluation is to assure that the conclusions of the Design Approval Document (DAD) (NEPA Class 2 - CE with Documentation, SEQRA Non Type II) remain valid. Information in this reevaluation should cover all changes that occurred after the last DAD’s review or reevaluation was performed. The Federal Environmental Approval Worksheet (FEAW) replaced the NEPA checklist since the original design approval. A FEAW for the project is included in the Technical Appendix

I. Proposed Action:

1. Have changes occurred in the project scope since approval of the original DAD or subsequent environmental reevaluation? YES NO N/A

Has there been a change in the project design parameters since the original DAD or subsequent DAD was approved? YES NO N/A

Describe changes:
See attached Project Update Narrative for further information.

II. Purpose and Need of Project:

Has there been a change in the project purpose and need from that described in the approved DAD or subsequent DAD? YES NO N/A

Describe changes:
III. Environmental Consequences: Identify (yes or no) if there have been any changes in project impacts from those identified in the original DAD or subsequent reevaluations. For each “yes,” describe the magnitude of the change and the potential for significant impact.

Has there been a change in the affected environment within or adjacent to the project area that could affect any of the impact categories (i.e. new legislation, transportation infrastructure, or protected resources)?

Describe changes: Since the original 2009 ESA coordination was completed, Northern Long Eared Bat was listed as a Threatened Species. The Biological Evaluation was amended and concurrence was received on September 22, 2016 from FHWA.

A. Right-of-Way Impacts

1. Have the right-of-way requirements changed?

2. Describe changes:

   Overall reduction of ROW requirements is anticipated. See attached Project Update Narrative for further information.

B. Social Impacts:

Would there be any changes in the neighborhoods or community cohesion for the various social groups as a result of the proposed action?

Are there any changes in travel patterns and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian)?

Are there any changes to the impacts on school districts, recreation areas, churches, businesses, police and fire protection, etc.? Include the direct impacts and the indirect impacts that may result from the displacement of households and businesses.

Are there any changes to the effects of the project on the elderly, handicapped, nondrivers, transit-dependent, minority and ethnic groups, or the economically disadvantaged?

Have the project’s effects on minorities or disadvantaged persons or those disproportionately affected changed? (i.e., E.O. 12898)?

6. Describe changes:
C. Economic Impacts:
Are there any changes to the economic impacts of the action on the regional and/or local economy, such as the effects of the project on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales?
Are there any changes to the potential impacts of the proposed action on established businesses or business districts, or changes to any opportunities to minimize or reduce such impacts by the public and/or private sectors?
Describe changes:

D. Local Land Use and Transportation Plan:
1. Have there been changes in the local land use or transportation plan?
   YES  NO  N/A
2. If yes, is the project consistent with the changes to the local transportation land use plan?
   YES  NO  N/A
3. Would project changes induce adverse secondary and cumulative effects?
   YES  NO  N/A
Describe changes:

E. Cultural Resource Impacts:
1. Are there changes in the project’s effect on cultural resource?
   YES  NO  N/A
2. Has there been a change in the status of National Register listed, eligible, or potentially eligible sites in the project area?
   YES  NO  N/A
Discussion: Section 106: Since the SHPO concurrence is over 3 years old; Department’s Regional LAES staff will contact SHPO to confirm their continued support of the No Effect determination.

F. Farmland Impacts:
1. Are there changes in the project’s effects on Prime or Unique Farmland as defined in 7 CFR part 657 of the Federal Farm Protection Policy Act?
   YES  NO  N/A
2. Describe changes:
G. Wetland Impacts: (If yes, resource coordination required).

Are there changes in project scope or design that affect the wetland impacts?  YES  NO  N/A

Acres (original/proposed): 1.66/1.66

Fill quantities (original/proposed): / cubic yards.
Dredge quantities (original/proposed): / cubic yards

Is there an impact on function and/or value of wetland?  YES  NO  N/A

Describe any changes from the original DAD and subsequent environmental reevaluation(s). See updated EO 11990 Finding Statement in the Technical Appendix and further discussion in the Project Update Narrative.

H. Fish & Wildlife Impacts:

1. Are there changes in the effects to fish and wildlife resources?  YES  NO  N/A

2. Has there been a change in status of listed Threatened & Endangered species directly or indirectly affected by the project?  YES  NO  N/A

Describe changes: Since the original 2009 ESA coordination was completed, Northern Long Eared Bat was listed as a Threatened Species. The Biological Evaluation was amended and concurrence was received on September 22, 2016 from FHWA.

I. Water Body Involvement:

Have there been any changes to the project effects on water bodies? If yes complete 2-3 and describe in 4.

Project affects a navigable water body (as listed by USCG).  YES  NO  N/A

Project affects navigable waters of the U.S. (as defined by the Corps).  YES  NO  N/A

Describe any changes:
J. Hazardous and Contaminated Material:

Have there been any changes in the status of or our involvement with known or potentially contaminated sites along the corridor? □ ☒ □

If buildings, residences are relocated, demolished or acquired, have they been evaluated for hazardous and contaminated material (i.e. asbestos)? □ □ ☒

Describe changes:

K. Air Quality Conformity:

Does the project as proposed affect a non-attainment area, which will require a revised conformity determination? □ ☒ □

Does the proposed change affect air quality monitoring? □ □ ☒

Describe any changes: The previous air quality determination is still valid. See attached Project Update Narrative for further information.

L. Floodplains Impacts:

1. Have there been changes in the project effects to a regulatory floodplain? □ ☒ □

2. Describe changes:

M. Noise Impact:

Have there been any changes in the proposed project that may change its status under 23 CFR 772 to a Type I project? □ ☒ □

Has there been any new land development that may result in a potential noise impact? □ ☒ □

Have there been any changes in the geometric design of the proposed project that may result in potential noise impact? □ ☒ □

Have there been any changes in the projected future traffic (volume, speed, or classification) that may result in a potential noise impact? □ ☒ □

Have there been any changes in the proposed project that may revise its previous abatement recommendations? □ ☒ □

Describe changes:

The previous noise impact determination is still valid. See attached Project Update Narrative for further information.
N. Water Quality Impacts:  
Does the project now involve a public or private drinking source? ☐ ☑ ☐  
Would project changes affect the potential discharge of storm water into Waters of the U.S? ☐ ☑ ☐  
3. Will the project now involve a stormwater discharge SPDES permit and/or require changes to an existing permit? ☐ ☐ ☒  
4. Describe changes: 

O. Permits and Authorization:  
Are there any changes in the status of the permits and authorizations previously required for the project? ☑ ☐ ☐  
Will any additional permits be needed due to the changes in the project? ☑ ☐ ☐  
Describe changes: A programmatic EO11990 no longer applies to this project, an Individual EO 11990 Statement of Findings is included in the Technical Appendix for FHWA approval.  

IV. Construction Impacts:  
Have the following potential construction effects changed:  
Construction timing commitments? ☐ ☑ ☐  
Temporary degradation of water quality? ☐ ☑ ☐  
Temporary stream diversion? ☐ ☑ ☐  
Temporary degradation of air quality? ☐ ☑ ☐  
Temporary delays and detours of traffic? ☐ ☑ ☐  
Temporary impact to businesses? ☐ ☑ ☐  
Other construction impacts, including noise? ☐ ☑ ☐  
Describe changes: There are no changes. Construction impact commitments in the DAD will be carried forward in the Request for Proposals of the Design-Build procurement
### V. Section 4(f)/6(f):

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Has there been a change in status of Section 4(f) properties affected by the proposed action?

Would the project have “use” or “constructive use” of Section 4(f) properties?

Has there been a change in status of Section 6(f) properties affected by the proposed action?

Is the use of 6(f) property a conversion of use per Section 6(f) of the Land Water Conservation Fund Act?

If yes to any of the above, attach appropriate Section 4(f) and Section 6(f) documentation. See attached Project Narrative Update for further information.

### VI. Comments and Coordination Conducted for the Reevaluation:

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Has public/agency coordination occurred since the DAD was approved or since the last reevaluation?

Discussion: An EDPL hearing was held on 5/27/15 as the previous hearing’s window had expired. Regional officials met again with Monroe-Woodbury CSD Officials and Town and Village of Woodbury Officials on 10/24/16 and 10/26/16 respectively to confirm their support of the proposed alternative and the proposed 4(f) mitigation measures.

In July 2016, the Biological Evaluation was amended to include Northern Long Eared Bat. FHWA concurrence was received on September 22, 2016.

See the Appendices for further discussion and documentation of public coordination.
Independent Quality Control: An independent quality control review separate from the function group review has been conducted in the Region and all policies, procedures, standards, rules and regulations requisite to Design Approval has been followed.

VII. Changes in Environmental Commitments or Mitigation Measures:
Have any changes in the environmental commitments or mitigation occurred?
Describe changes.

VIII. Environmental Reevaluation:
The conclusions and commitments of the original DAD approval or subsequent reevaluations remain valid (if no, go to # 2).
The changes in the project scope, environmental consequences, or public controversy require a new, supplemental DAD or EIS.
(No. 2 requires prior consultation with the FHWA Area Liaison and Environmental Specialist.)

Prepared by: Paul M. Lo Gallo, P.E. NYSDOT
Date: November 1, 2016

Reviewed by: Paul G. Tiruns, P.E. NYSDOT
Date: November 1, 2016

Recommended by: Michael K. Schaefer, P.E. NYSDOT, Regional Design Engineer
Date: 11/1/2016
Appendices:

Technical Appendix:

- Project Update Narrative
- Amended Biological Evaluation
- Individual EO 11990 Wetlands Statement of Findings – Needs FHWA Approval
- Park and Ride: Existing and Updated Proposed Location
- Federal Environmental Approval Worksheet
- Non-Standard Feature Justification – NY State Police Barrack direct access to Route 17, east of Orange County Route 105.

Correspondence Appendix:

- Original Design Approval Letter from FHWA to Deputy Chief Engineer - March 8, 2010
- Threatened and Endangered Species Concurrence Letter from FHWA to Region 8 – September 22, 2016
  - Hearing Announcement
  - Hearing Handout
  - Written Comments from:
    - Town of Woodbury
    - Monroe-Woodbury Central School District
  - Local Newspaper Coverage of EDPL Hearing
- 2016 Meetings
  - Monroe-Woodbury CSD
  - Town & Village of Woodbury